

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

EARL D. SCOTT, JR.

VERSUS

ARCH INSURANCE COMPANY,
METTLER TOLEDO, LLC, WHEELS LTD,
AND CHAD W. SMITH

*
* CIVIL ACTION
* NO.
*
* SECTION
*
* MAGISTRATE
*
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NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come defendants, **Mettler-Toledo, LLC, Wheels, Inc., Arch Insurance Company, and Chad W. Smith**, solely for the purpose of filing their Notice of Removal and without waiving any defenses:

1.

This action was brought in the Civil Docket of the 36th Judicial District Court for the Parish of Beauregard, State of Louisiana entitled, *Earl D. Scott, Jr. v. Arch Insurance Company, Mettler Toledo LLC, Wheels LTD and Chad W. Smith*, Case Number 2021-0640, Division “B,” Parish of Beauregard, State of Louisiana, by request of service of a Petition and Citation on the defendants, **Mettler-Toledo, LLC, Wheels, Inc., Arch Insurance Company, and Chad W. Smith**.

2.

This is a civil action brought by the plaintiff, Earl D. Scott, Jr., and is domiciled in the State of Louisiana, seeking recovery of damages allegedly sustained by him as a result of an accident and injury occurring on US Highway 190 in the Parish of Beauregard, State of Louisiana.

3.

The defendant, **Arch Insurance Company**, is a foreign insurance company authorized to do and doing business in the State of Louisiana. (See Petition for Damages attached hereto as **Exhibit “NR-1”**).

4.

The defendant, **Mettler Toledo, LLC**, is a foreign limited liability company authorized to do and doing business in the State of Louisiana (See Petition for Damages attached hereto as **Exhibit “NR-1”**).

5.

The defendant, **Wheels Inc.**, is a foreign corporation authorized to do and doing business in the State of Louisiana (See Petition for Damages attached hereto as **Exhibit “NR-1”**).

6.

The defendant, **Chad W. Smith**, is a resident of Baytown, Texas (See Petition for Damages attached hereto as **Exhibit “NR-1”**).

7.

All the defendants who have been named in this action and served as of the time of removal join in the removal.

8.

This action is one over which the District Courts of the United States are given original jurisdiction under 28 U.S.C. Section 1332.

9.

The amount in controversy in this action exceeds the jurisdictional amount established by law for federal court jurisdiction.

10.

A copy of all process, pleadings and orders served upon the defendants are attached to the Certificate of Filing State Court record.

11.

This action is removable under and by virtue of the acts of Congress of the United States and the defendants desire to remove it to this Court.

12.

Accordingly, the defendants, **Mettler-Toledo, LLC, Wheels, Inc., Arch Insurance Company, and Chad W. Smith**, ask that the above-entitled action be removed to this court, the United States District for the Western District of Louisiana, in accordance with the provisions of 28 U.S.C. Section 1441, *et seq.*

13.

On October 13, 2021, undersigned counsel forwarded plaintiff attorney, Wesley J. Gralapp, a Stipulation and Waiver (**Exhibit “NR-2”**) for his signature stipulating that he is not seeking damages in excess of \$75,000.00 and as such, plaintiff, **Earl D. Scott, Jr.**, agrees to waive any and all claims which exceed \$75,000.00. In our letter, we asked Mr. Gralapp to return a signed copy of the Stipulation and Waiver for filing with the Court by October 25, 2021, and if we did not receive same, then we would be removing the case to the United States District Court, Western District of Louisiana.

Metairie, Louisiana this 2nd day of November, 2021.

Respectfully Submitted,

s/ W. Evan Plauché

W. EVAN PLAUCHÉ

Bar No.: 21027

MICHAEL L. COHEN

Bar No.: 21533

Counsel for Defendants,

Mettler-Toledo, LLC, Wheels, Inc.,

Arch Insurance Company, and

Chad W. Smith

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **November 2, 2021,** I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ W. Evan Plauché